




STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.  
**BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS**  
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DATE: October 23, 2012

TO: Board Members

FROM:   
Linda Ruyters  
Administrative Analyst

SUBJECT: Legislative Report

Listed below are the key bills that the Board has been following. *An updated version of this report will be distributed to Board members at the Regular Board Meeting.*

- AB 338 – Regulations: Legislative Validation: Effective Date: Requires the Office of Administrative Law to submit to the Legislature for review a copy of each disapproved regulation where the basis for that disapproval was a determination that the agency exceeded its statutory authority in adopting the regulation. Requires that a regulation become effective on a specified day after it is filed with the Secretary of State, unless prescribed conditions occur.  
*Status: 05/14/2012: In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.*
- AB 1504 – Administrative Regulations: Requires boards within the Department of Consumer Affairs to waive renewal fees, continuing education and other renewal requirements as determined by the board, of any licensee or registrant who is a reservist called to active duty as a member of the Military Reserve or the California National Guard if certain requirements are met. Requires a licensee or registrant to meet certain renewal requirements within a specified period after discharge and prior to engaging in activity requiring a license.  
*Status: 07/03/2012: From ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION without further action pursuant to JR 62(a).*
- AB 1537 – Government Accountability Act of 2012: Enacts the Government Accountability Act of 2012. Requires that a major proposed regulation include a provision to repeal the regulation within a specified time period after approval by the Office of Administrative Law. Requires the Office to return to an agency any proposed regulation that does not include the repeal provision, unless the Legislature enacts a statute that expressly validates and approves the content.  
*Status: 4/10/12: In Assembly Committee on Business, Professions & Consumer Protection: Not heard.*
- AB 1588 – Professions and Vocations: Reservist Licensees: - Requires boards within the Department of Consumer Affairs to waive renewal fees, continuing education and other renewal requirements as determined by the board, of any licensee or registrant who is a reservist called to active duty as a member of the Military Reserve or the California National Guard if certain requirements are met. Requires a licensee or registrant to meet certain



renewal requirements within a specified period after discharge and prior to engaging in activity requiring a license.

*Status: 9/29/12: Chaptered by Secretary of State.*

- AB 1904 – Professions and Vocations: Military Spouses: Relates to the issuance of reciprocal licenses, regulated by the Department of Consumer Affairs, in certain fields. Requires a board within the department to expedite the licensure process for an applicant who holds a license in the same profession or vocation in another jurisdiction and is married to or in a legal union with an active duty member of the armed forces of the United States who is assigned to a duty station in the state under official active duty military orders.

*Status: 9/20/12: Signed by the Governor.*

- AB 1914 – Agency Reports: Requires each state or local agency to submit a list of all reports the agency has not yet submitted to the Legislature along with a status summary for each report, including a statement explaining why any overdue report has not yet been submitted and a compliance plan. Provides that the Legislature may withhold appropriations for any agency that fails to submit timely reports.

*Status: 05/25/2012: In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.*

- AB 1932 – United States Armed Forces: Healing Arts Boards: Requires every healing arts board to issue a written report to the Department of Veterans Affairs and the Legislature that details methods of evaluating the education, training, and experience obtained in military service and whether such education, training and experience is applicable to the board's requirements for licensure.

*Status: 06/07/2012: To SENATE Committee on RULES.*

- AB 1969 – Regulations: Filing: Relates to the requirements for the adoption, publication, review and implementation of regulations by state agencies, and for the review of those regulatory actions by the Office of Administrative Law. Prohibits the office from transmitting any regulation to the Secretary of State for filing that it receives between specified dates. Exempts a regulation of a public safety or public health agency or department.

*Status: 07/03/2012 From ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION without further action pursuant to JR 62(a).*

- AB 1976 – Licensure and Certification: Military Experience: Requires a health arts board within the Department of Consumer Affairs, upon the presentation of qualifying evidence by an applicant for licensure, to accept military service related education, training, and practical experience towards licensure or certification qualifications. Requires schools seeking accreditation or approval to have procedures in place to accept that same information toward completion of education to qualify a person to apply for licensure. Relates to the adoption of regulations.

*Status: 05/25/2012: In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.*

- AB 1982 – Regulations: Effective Date: Legislative Review: Relates to regulations and administrative reviews to determine economic impact. Requires the Office of Administrative Law to submit to the Legislature for review a copy of each major regulation that it submits to the Secretary of State. Extends the time period that a regulation becomes effective after being filed with the Secretary of State. Specifies that the list of prescribed conditions that prevent a regulation from becoming effective include a statutory override of the regulation.



*Status: 05/25/2012 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.*

- AB 2041 – Regulations: Adoption: Disability Access: Requires an agency to publish a notice of proposed action that includes specified information at least 45 days prior to a hearing and the close of the public comment period. Requires an agency that proposes specified types of regulations to include within the notice of proposed action a specified statement regarding the availability of narrative description for persons with visual or other specified disabilities.

*Status: 9/28/12: Signed by the Governor.*

- AB 2090 – Regulations: Defines a major regulation as a regulation that an agency determines has an expected economic impact on business enterprise and individuals in a specified amount. Modifies the requirements that an adopting agency must meet when the economic impact analysis and the standardized regulatory impact analysis. Requires the submission of a detailed summary when proposing to adopt a major regulation to specified persons and entities.

*Status: 05/25/2012 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.*

- AB 2091 – Regulations: New or Emerging Technology: Requires a state agency proposing an administrative regulation that would require a person or entity to use a new or emerging technology or equipment to determine if that technology is available and effective in accordance with certain requirements. Requires the state agency to submit to the Office of Administrative Law, and make available to the public upon request, a statement that the agency has complied with the requirements of the Administrative Procedure Act.

*Status: 07/03/2012 From ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION without further action pursuant to JR 62(a).*

- AB 2213 – Government Reorganization: Realignment or Closure: Establishes the Bureaucracy Realignment and Closure Commission to consider recommendations for the closure or realignment of state bureaucracies submitted by specified entities. Requires the commission to conduct related public hearings.

*Status: 07/03/2012 From ASSEMBLY Committee on BUSINESS, PROFESSIONS & CONSUMER PROTECTION without further action pursuant to JR 62(a).*

- AB 2370 – Mental Retardation: Change of Term: Revises various statutes that refer to mentally retarded persons to, instead, refer to a person with an intellectual disability. States the intent of the Legislature not to make a change to services or the eligibility for services. Provides that this would be known as the Shriver R-Word Act.

*Status: 9/22/12: Chaptered by the Secretary of State.*

- AB 2389 – Contractor Disclosure Requirements: Relates to contractor disclosure requirements. Prohibits contractors who enter homes and places of lodging to utilize a uniform that bears the logo of the contracting entity or drive a vehicle with such logo without meeting disclosure requirements. Provides for public awareness of the growing contract workforce through such required disclosures. Specifies these provisions shall not apply if a contracting entity and a contractor are jointly and severally liable for any claims arising out of work performed.

*Status: 9/30/12: Vetoed by the Governor.*



- AB 2401 – Secure Electronic Communications: Authorizes a business, a government agency, government official, or a person acting with official government authority to communicate with a person in writing by the use of a secure electronic delivery service.  
*Status: 03/19/2012: To ASSEMBLY Committee on JUDICIARY.*
- AB 2458 – Healing Arts: Health Care Practitioners: Makes technical, nonsubstantive changes to existing law providing for the licensure and regulation of various health care practitioners and requiring those health care practitioners to disclose their license status while working on a name tag in specified type.  
*Status: 02/24/2012 INTRODUCED.*
- AB 2570 – Licensees: Settlement Agreements: Relates to professional misconduct by an attorney. Prohibits a licensee who is regulated by the Department of Consumer Affairs or various boards, bureaus, or programs from including a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program. Authorizes any entity within the department to adopt related regulations exempting such agreements for causes of action.  
*Status: 9/25/12: Signed by the Governor.*
- SB 60 – Mental Health: State Hospitals: Amends existing law requiring a mental health patient determined to be a high-security risk to be treated in the department's most secure facilities, and other patients to be treated near the patient's community. Deletes these provisions governing evaluation and treatment, and instead requires a risk evaluation upon commitment to any state hospital, of a patient who is being committed pursuant to any provision of the Penal Code.  
*Status: 08/25/2011 In ASSEMBLY Committee on APPROPRIATIONS: Not heard.*
- SB 103 – State Government: Meetings: Authorizes a state body, to the extent practicable, to conduct teleconferencing meetings. Requires a state body to provide a supplemental live audio broadcast on the Internet Web site of its board meetings that are open to the public unless it is determined to be too costly. Prohibits teleconference meetings as a matter of convenience. Requires a body that operates an Internet Web site to provide a supplemental live audio or video broadcast on the Web site of board meetings open to the public.  
*Status: 08/25/2011: In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.*
- SB 122 – Healing Arts: Specifies the training and conditions for a foreign-educated physician or surgeon to obtain certification in the state. Requires the Board of Registered Nursing (BRN) meet in Northern and Southern California. Authorizes the BRN to issue cease and desist orders to a school of nursing that is not approved by that board and requires the BRN to notify specified entities of such school. **Also allows the BRN to collect specified fees from approved schools of nursing.** A copy of this bill is attached to this report.  
*Status: 9/29/12: Approved by the Governor.*
- SB 975 – Professions and Vocations: Regulatory Authority: Provides the State Architects Board and the Board of Professional Engineers, Land Surveyors, and Geologists have the sole and exclusive authority to license and regulate professions and vocations regulated by those boards pursuant to provisions of the Business and Professions Code and that no



licensing requirements shall be imposed upon a person licensed to practice one of those professions or vocations other than under that code or by regulation promulgated by the board.

*Status: 9/25/12: Vetoed by the Governor.*

- SB 1025 – State Regulations – Review: Requires each state entity that promulgates regulations to review those regulations, and repeal or report to the Legislature those identified as duplicative, archaic, or inconsistent with statute or other regulations. Requires these entities to report to the Legislature by that date on regulations deemed to inhibit economic growth in the state.

*Status: 8/30/12: Re-referred to Senate Committee on Rules.*

- SB 1099 – Regulations: Amends the Administrative Procedure Act. Provides that a regulation or order of repeal is effective on specified dates, subject to exceptions. Requires the Office of Administrative Law to make a free copy of the full text of the Code of Regulations available on its Internet Web site. Requires state agencies and the office to provide a list and a link to the full text of each regulation filed that is pending effectiveness. Includes regulations adopted by the Fish and Game Commission.

*Status: 9/11/12: Signed by the Governor.*

- SB 1165 – Public Utilities Commission: Intervenor Compensation: Amends existing law that provides for compensation for reasonable advocate's fees, expert witness fees, and other costs to public utility customers for participating or intervention in any proceeding of the Public Utility Commission based upon specified criteria. Includes a school district, county office of education, or community college district in the definition of a customer that may apply for intervenor compensation.

*Status: 05/24/2012: In SENATE Committee on APPROPRIATIONS: Held in committee.*

- SB 1374 – Liability: Good Faith Reliance on Administrative Rules: Relates to the tort liability and immunity of, and claims and actions against, public entities and their officers and employees. Provides that certain persons shall not be liable or subject to punishment for a violation of a civil statute or regulation if such person plead and proved that the person had sought an applicable written order, ruling, approval, interpretation, or enforcement policy from the agency charged with interpreting that area of law and relied upon and conformed to that interpretation.

*Status: 05/08/2012: In SENATE Committee on JUDICIARY: Failed passage.*

- SB 1381 – Mental Retardation: Change: Intellectual Disability: Revises existing law referring to mental retardation or a mentally retarded person to refer instead to intellectual disability or a person with an intellectual disability.

*Status: 9/22/12: Chaptered by the Secretary of State.*

- SB 1520 – State Government: Administrative Efficiency: Amends the Administrative Procedure Act regarding an initial statement of reasons that include standardized economic impact analysis for each major regulation proposed. Requires that the statement of reasons include a standardized impact analysis for each major regulation proposed. Amends the Permit Streamlining Act. Requires the Office of Planning and Research to provide specified information to a permit applicant. Relates to dispute resolution by the office and a fee for such services.

*Status: 9/29/12: Chaptered by the Secretary of State.*

(10/4/12)

Senate Bill No. 122

CHAPTER 789

An act to amend Sections 2709, 2786, and 2798 of, and to add Sections 2135.7, 2786.2, and 2786.5 to, the Business and Professions Code, relating to healing arts, and making an appropriation therefor.

[Approved by Governor September 29, 2012. Filed with  
Secretary of State September 29, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 122, Price. Healing Arts.

(1) Existing law provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law requires the board to issue a license to an applicant who meets specified qualifications and requirements, including successfully completing a medical curriculum, as specified, in a medical school or schools located in the United States or Canada approved by the board, or in a medical school located outside the United States or Canada that otherwise meets specified requirements. Existing law requires the board to issue a license to an applicant who, among other things, (A) holds an unlimited license as a physician and surgeon in another state or states or a Canadian province or provinces, (B) has held an unrestricted license to practice medicine for at least 4 years, (C) has passed a written examination recognized by the board to be equivalent in context to that administered in California, (D) the board has determined has (i) not had disciplinary action taken against him or her, (ii) not been the subject of an adverse judgment or settlement, and (iii) has not committed any acts or crimes constituting grounds for denial of a certificate, in each case, as specified, (E) has completed specified postgraduate training, and (F) is board certified in a specialty, as specified.

This bill would, upon review and recommendation, authorize the board to determine that an applicant for a physician and surgeon's certificate who acquired his or her medical education or a portion thereof at a foreign medical school that is not recognized or has been previously disapproved by the board is eligible for a certificate if the applicant (1) successfully completes a course of medical instruction leading to a degree of medical doctor, (2) holds an unlimited and unrestricted license in another state or federal territory and practiced for 10 or 20 years depending on whether the medical education was acquired from an unrecognized or previously disapproved foreign medical school, (3) is certified by a specified specialty board, (4) has successfully taken and passed specified examinations, (5) has not been the subject of specified disciplinary action or of adverse judgments or settlements, (6) has successfully completed 3 years of approved postgraduate training, (7) is not subject to denial of licensure under specified



provisions, and (8) has not held a healing arts license and been subject to disciplinary action by specified healing arts boards. The bill would also authorize the board to adopt specified regulations concerning the acceptance of records when originals are not available and substitution of board certifications for years of practice or licensure when considering an application for a certificate pursuant to these provisions.

(2) Existing law creates within the Department of Consumer Affairs the Board of Registered Nursing, and makes the board responsible for the licensure and regulation of registered nurses. Existing law requires the board to meet quarterly.

This bill would require meetings of the board to be held in northern and southern California.

(3) Existing law defines the term “approved school of nursing” and requires the board to approve and regulate registered nursing schools that are institutions of higher education or are affiliated with an institution of higher education, as specified. Existing law requires a school of nursing that is not affiliated with an institution of higher education to make an agreement with such an institution for purposes of awarding nursing degrees.

This bill would delete the provisions requiring an agreement and would instead allow the board to approve a school of nursing that is affiliated with an institution of higher education, and that is subject to the requirements set forth in the California Private Postsecondary Education Act of 2009 to grant nursing degrees. The bill would specify that the term “approved school of nursing” includes an approved nursing program. The bill would subject all approved schools of nursing to specified fees for deposit into the Board of Registered Nursing Fund, a continuously appropriated fund. Because the bill adds a new source of revenue to a continuously appropriated fund, the bill would make an appropriation.

The bill would require the board to have a memorandum of understanding with the Bureau for Private Postsecondary Education to delineate the powers of the board and bureau, as specified.

(4) Existing law provides that it is unlawful for anyone to conduct a school of nursing unless the school has been approved by the board.

This bill would authorize the board to issue cease and desist orders to a school of nursing that is not approved by the board and would require the board to notify the Bureau for Private Postsecondary Education and the office of the Attorney General of such a school. The bill would also provide that it is unprofessional conduct for any registered nurse to violate that provision.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2135.7 is added to the Business and Professions Code, to read:



2135.7. (a) Upon review and recommendation, the board may determine that an applicant for a physician and surgeon's certificate who acquired his or her medical education or a portion thereof at a foreign medical school that is not recognized or has been previously disapproved by the board is eligible for a physician and surgeon's certificate if the applicant meets all of the following criteria:

(1) Has successfully completed a resident course of medical education leading to a degree of medical doctor equivalent to that specified in Sections 2089 to 2091.2, inclusive.

(2) (A) (i) For an applicant who acquired any part of his or her medical education from an unrecognized foreign medical school, he or she holds an unlimited and unrestricted license as a physician and surgeon in another state or federal territory and has held that license and continuously practiced for a minimum of 10 years prior to the date of application.

(ii) For an applicant who acquired any part of his or her professional instruction from a foreign medical school previously disapproved by the board, he or she holds an unlimited and unrestricted license as a physician and surgeon in another state or federal territory and has held that license and continuously practiced for a minimum of 20 years prior to the date of application.

(B) For the purposes of clauses (i) and (ii) of subparagraph (A), the board may combine the period of time that the applicant has held an unlimited and unrestricted license in other states or federal territories and continuously practiced therein, but each applicant under this section shall have a minimum of five years continuous licensure and practice in a single state or federal territory. For purposes of this paragraph, continuous licensure and practice includes any postgraduate training after 24 months in a postgraduate training program that is accredited by the Accreditation Council for Graduate Medical Education (ACGME) or postgraduate training completed in Canada that is accredited by the Royal College of Physicians and Surgeons of Canada (RCPSC).

(3) Is certified by a specialty board that is a member board of the American Board of Medical Specialties.

(4) Has successfully taken and passed the examinations described in Article 9 (commencing with Section 2170).

(5) Has not been the subject of a disciplinary action by a medical licensing authority or of adverse judgments or settlements resulting from the practice of medicine that the board determines constitutes a pattern of negligence or incompetence.

(6) Has successfully completed three years of approved postgraduate training. The postgraduate training required by this paragraph shall have been obtained in a postgraduate training program accredited by the ACGME or postgraduate training completed in Canada that is accredited by the RCPSC.

(7) Is not subject to denial of licensure under Division 1.5 (commencing with Section 475) or Article 12 (commencing with Section 2220).

(8) Has not held a healing arts license and been the subject of disciplinary action by a healing arts board of this state or by another state or federal territory.

(b) The board may adopt regulations to establish procedures for accepting transcripts, diplomas, and other supporting information and records when the originals are not available due to circumstances outside the applicant's control. The board may also adopt regulations authorizing the substitution of additional specialty board certifications for years of practice or licensure when considering the certification for a physician and surgeon pursuant to this section.

(c) This section shall not apply to a person seeking to participate in a program described in Sections 2072, 2073, 2111, 2112, 2113, 2115, or 2168, or seeking to engage in postgraduate training in this state.

SEC. 2. Section 2709 of the Business and Professions Code is amended to read:

2709. The board for the purpose of transacting its business shall meet at least once every three months, at times and places it designates by resolution. Meetings shall be held in northern and southern California.

SEC. 3. Section 2786 of the Business and Professions Code is amended to read:

2786. (a) An approved school of nursing, or an approved nursing program, is one that has been approved by the board, gives the course of instruction approved by the board, covering not less than two academic years, is affiliated or conducted in connection with one or more hospitals, and is an institution of higher education. For purposes of this section, "institution of higher education" includes, but is not limited to, community colleges offering an associate of arts or associate of science degree and private postsecondary institutions offering an associate of arts, associate of science, or baccalaureate degree or an entry-level master's degree, and is an institution that is not subject to the California Private Postsecondary Education Act of 2009 (Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code).

(b) A school of nursing that is affiliated with an institution that is subject to the California Private Postsecondary Education Act of 2009 (Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code), may be approved by the board to grant an associate of arts or associate of science degree to individuals who graduate from the school of nursing or to grant a baccalaureate degree in nursing with successful completion of an additional course of study as approved by the board and the institution involved.

(c) The board shall determine by regulation the required subjects of instruction to be completed in an approved school of nursing for licensure as a registered nurse and shall include the minimum units of theory and clinical experience necessary to achieve essential clinical competency at the entry level of the registered nurse. The board's standards shall be designed to require all schools to provide clinical instruction in all phases of the educational process.



(d) The board shall perform or cause to be performed an analysis of the practice of the registered nurse no less than every five years. Results of the analysis shall be utilized to assist in the determination of the required subjects of instruction, validation of the licensing examination, and assessment of the current practice of nursing.

SEC. 4. Section 2786.2 is added to the Business and Professions Code, to read:

2786.2. A private postsecondary school of nursing approved by the board pursuant to subdivision (b) of Section 2786 shall comply with Chapter 8 of Part 59 of Division 10 of Title 3 of the Education Code. The board shall have a memorandum of understanding with the Bureau for Private Postsecondary Education to delineate the powers of the board to review and approve schools of nursing and the powers of the bureau to protect the interest of students attending institutions governed by the California Private Postsecondary Education Act of 2009, Chapter 8 (commencing with Section 94800) of Division 10 of Title 3 of the Education Code.

SEC. 5. Section 2786.5 is added to the Business and Professions Code, to read:

2786.5. (a) An institution of higher education or a private postsecondary school of nursing approved by the board pursuant to subdivision (b) of Section 2786 shall remit to the board for deposit in the Board of Registered Nursing Fund the following fees, in accordance with the following schedule:

(1) The fee for approval of a school of nursing shall be five thousand dollars (\$5,000).

(2) The fee for continuing approval of a nursing program established after January 1, 2013, shall be three thousand five hundred dollars (\$3,500).

(3) The processing fee for authorization of a substantive change to an approval of a school of nursing shall be five hundred dollars (\$500).

(b) If the board determines that the annual cost of providing oversight and review of a school of nursing, as required by this article, is less than the amount of any fees required to be paid by that institution pursuant to this article, the board may decrease the fees applicable to that institution to an amount that is proportional to the board's costs associated with that institution.

SEC. 6. Section 2798 of the Business and Professions Code is amended to read:

2798. (a) It is unlawful for anyone to conduct a school of nursing unless the school has been approved by the board.

(b) If the board has a reasonable belief, either by complaint or otherwise, that a school is allowing students to apply for its nursing program and that nursing program does not have the approval of the board, the board shall immediately order the school to cease and desist from offering students the ability to enroll in its nursing program. The board shall also notify the Bureau for Private Postsecondary Education and the Attorney General's office that the school is offering students the ability to enroll in a nursing program that does not have the approval of the board.

(c) It shall be unprofessional conduct for any registered nurse to violate or attempt to violate, either directly or indirectly, or to assist or abet the violation of, this section.

(d) This section is not applicable to schools conducted under Section 2789 of this chapter.

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